

OFFICE OF THE CITY ATTORNEY

Elizabeth L. Schoedel (WSBA #20240)
Salvatore J. Faggiano (WSBA #15696)
Hunt M. Whaley (WSBA #46419)
Assistant City Attorneys
808 W. Spokane Falls Blvd.
Spokane, WA 99201
Telephone: (509) 625-6225

BARON & BUDD, P.C.

Scott Summy (*admitted Pro Hac Vice*)
(Texas Bar No. 19507500)
Carla Burke (*admitted Pro Hac Vice*)
(Texas Bar No. 24012490)
Celeste A. Evangelisti (*admitted Pro Hac Vice*)
(CA Bar No. 225232)
Brett Land (*admitted Pro Hac Vice*)
(Texas Bar No. 24092664)
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219
Telephone: (214) 521-3605

GOMEZ TRIAL ATTORNEYS

John H. Gomez (*admitted Pro Hac Vice*)
(CA Bar No. 171485)
John P. Fiske (*admitted Pro Hac Vice*)
(CA Bar No. 249256)
655 West Broadway, Suite 1700
San Diego, CA 92101
Telephone: (619) 237-3490

Attorneys for Plaintiff City of Spokane

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

CITY OF SPOKANE, a municipal
corporation located in the County
of Spokane, State of Washington

Plaintiff,

v.

MONSANTO COMPANY, et al.

Defendants.

Case No. 2:15-cv-00201-SMJ

**JOINT LR 37.1(b) STATEMENT RE
ECF NO. 110**

1 The above-captioned parties state, pursuant to LR 37.1(b), that they have met and
2 conferred regarding the issues raised in Plaintiff's Motion to Compel Defendants'
3 Responses to Interrogatories, Set One; Nos 1 and 2. ECF No. 110. The parties conferred
4 prior to the filing of the motion, as set forth in ECF No. 110, and following the filing of
5 Monsanto's Opposition, on March 20, 2017 the parties conferred again. The results of
6 these meet-and-confer efforts are that:
7

8 (1) Plaintiff acknowledges that Defendants have supplemented their responses to
9 Interrogatory Nos. 1 and 2 twice (on March 3, 2017 and March 17, 2017 for Interrogatory
10 No. 1 and on March 17, 2017 for Interrogatory No. 2).
11

12 (2) With respect to Interrogatory No. 1, the remaining issue is that Plaintiff is
13 seeking a Court order requiring Defendants to provide a complete and verified response.
14 Defendants have not yet provided their verification of the Interrogatory No. 1 response, but
15 plan to do so and believe this will address Plaintiff's remaining concern. Plaintiff is unable
16 to ascertain whether the response is complete and verified until after receipt and review of
17 the verification.
18

19 (3) With respect to Interrogatory No. 2, the Plaintiff has the same remaining issue
20 with respect to a complete and verified response as described with respect to Interrogatory
21 No. 1 and, again, Defendants plan to serve a verification. Additionally, Plaintiff believes
22 that Defendants have not fully identified the cases as requested in the Interrogatory.
23 Defendants disagree.
24
25
26
27

1 Additionally, during the meet-and-confer discussion on March 20, 2017, Plaintiff
2 represented that it intends to seek additional relief beyond a full and complete response to
3 Interrogatory Nos. 1 and 2, which will include (1) Plaintiff's request that this Court order
4 Defendants to produce all the testimony identified in response to Interrogatory No. 1; and
5 (2) Plaintiff's request that this Court order Defendants to produce electronically the portion
6 of the PCB Litigation Archive which has already been scanned, and order the remainder of
7 the PCB Litigation Archive to be scanned by a third party and produced to Plaintiff.
8 Defendants objected to such relief as outside the scope of Plaintiff's motion (and would
9 object to it on substantive grounds when/if such issues are properly included in any motion
10 before this Court).

11 (4) This joint statement replaces the Plaintiff's LR 37.1 statement filed March 20,
12 2017 at ECF No. 117.

1 RESPECTFULLY SUBMITTED this 21st day of March, 2017.

2
3 By: s/ Elizabeth L. Schoedel
4 **OFFICE OF THE CITY ATTORNEY**
5 Elizabeth L. Schoedel WSBA #20240
6 Salvatore J. Faggiano WSBA #15696
7 Hunt M. Whaley WSBA #46419
8 Assistant City Attorneys

9 **GOMEZ TRIAL ATTORNEYS**
10 John H. Gomez (*admitted Pro Hac Vice*)
11 John P. Fiske (*admitted Pro Hac Vice*)

12 **BARON & BUDD, P.C.**
13 Scott Summy (*admitted Pro Hac Vice*)
14 Carla Burke (*admitted Pro Hac Vice*)
15 Celeste Evangelisti (*admitted Pro Hac Vice*)
16 Brett Land (*admitted Pro Hac Vice*)

17 *Attorneys for Plaintiff City of Spokane*

18 RESPECTFULLY SUBMITTED this 21st day of March, 2017.

19 By: s/ Geana M. Van Dessel
20 Geana M. Van Dessel, WSBA #35969
21 Bryce J. Wilcox, WSBA #21728
22 Lee & Hayes PLLC
23 601 W. Riverside Avenue, Suite 1400
24 Spokane, WA 99201
25 Phone: (509) 324-9256
26 Emails: geanav@leehayes.com
27 bryce@leehayes.com

28 Brent J. Gilhousen, WSBA #5153
P.O. Box 1345
Anacortes, WA 98221-6345
Phone: (314) 302-9300
Email: brent.gilhousen@earthlink.net

Robert M. Howard, CSBA #145870
(Admitted Pro Hac Vice)
Kelly E. Richardson, CSBA #210511
(Admitted Pro Hac Vice)

1 Andrea M. Hogan, CSBA #238209
(Admitted Pro Hac Vice)
2 Latham & Watkins LLP
12670 High Bluff Drive
3 San Diego, California 92130
Phone: (858) 523-5400
4 Emails: robert.howard@lw.com
kelly.richardson@lw.com
andrea.hogan@lw.com

5 Adam E. Miller, MSBA #40945
(Admitted Pro Hac Vice)
6 CAPES, SOKOL, GOODMAN
AND SARACHAN, PC
7 7701 Forsyth Boulevard, Twelfth Floor
St. Louis, MO 63105
8 Phone (314) 754-4870
9 Email: miller@capessokol.com

10 Attorneys for Defendants Monsanto Company,
11 Solutia Inc., and Pharmacia LLC
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2017, I caused the foregoing **LR 37.1(b) STATEMENT RE ECF NO. 110** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Defendants:

Bryce James Wilcox	bryce@leehayes.com
Geana Van Dessel	GeanaV@leehayes.com
Brent J. Gilhousen	brent.gilhousen@earthlink.net
Robert M. Howard	robert.howard@lw.com
Kelly E. Richardson	kelly.richardson@lw.com
Andrea M. Hogan	andrea.hogan@lw.com
Jennifer Casler-Goncalves	jennifer.casler@lw.com
Adam E. Miller	miller@capessokol.com

Dated: March 20, 2017

By: s/ Elizabeth L. Schoedel
Elizabeth L. Schoedel, WSBA #20240
Office of the City Attorney
808 W. Spokane Falls Blvd.
5th Floor, Municipal Building
Spokane, WA 99201-3326
Telephone: (509) 625-6225
Fax: (509) 625-6277